

CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING
MINUTES

March 14, 2013

Chairman T. Michalski called the meeting to order at 4:00 p.m. and roll was taken.

MEMBERS PRESENT: L. Spataro, L. Mikesell, B. Mazade, J. Doyle, S. Gawron T. Michalski,
B. Smith

MEMBERS ABSENT: B. Larson, excused; W. Parker

STAFF PRESENT: M. Franzak, D. Renkenberger

OTHERS PRESENT: J. Urbina, 1308 S. Getty; C. Newman, First Church of Christ Scientist

APPROVAL OF MINUTES

A motion that the minutes of the regular meeting of February 14, 2013 be approved, was made by J. Doyle, supported by L. Mikesell and unanimously approved.

PUBLIC HEARINGS

Hearing, Case 2013-06: Request for a Special Use Permit to allow a church in a B-3 Central Business District at 1065 4th Street by First Church of Christ Scientist. M. Franzak presented the staff report. The First Church of Christ Scientist was recently located in the Noble Building at 500 West Western Avenue, but they were asked to vacate so that a new business could use the space. The church would like to relocate to the building at 1065 4th Street, which is zoned B-3, Central Business. The B-3 zoning allows the operation of a church with a Special Use Permit under certain conditions. This building meets those conditions, which are: 1) The site shall be so located as to provide for ingress and egress from said site directly onto a major or secondary thoroughfare, 2) The principal buildings on the site shall be set back from abutting properties zoned for residential use not less than thirty (30) feet, and 3) Buildings of greater than the maximum height allowed in Section 2100 may be allowed provided front, side, and rear yards are increased above the minimum requirements by one (1) foot of building that exceeds the maximum height allowed. There is adequate parking on site, with 22 striped spaces, and the building is located in the Downtown Parking Overlay District. Notices were sent to properties within 300 feet of this building. Staff received an e-mail comment from R. Lusby and E. Decker of 416 W. Webster Avenue, who were concerned about increased traffic using the alley.

C. Newman discussed the church's history in Muskegon. She stated that they had always been located downtown, and would like to remain in the area. She felt that they would be a good fit, as there are several other churches nearby. She stated that they expected 35 to 50 people at their services.

L. Spataro arrived at 4:08 p.m.

B. Mazade asked C. Newman if she had any comments regarding the concern about increased alley traffic. She stated that the church would be closest to 4th Street, so she didn't expect many people would use the alley; they would be more likely to pull out onto Webster Avenue or 4th Street.

A motion to close the public hearing was made by B. Mazade, supported by B. Smith and unanimously approved.

A motion that the request for a Special Land Use Permit, per section 1201 (#4) of Article XII of the Zoning Ordinance, to allow a church in a B-3, Central Business District at 1065 4th Street, be approved, based on compliance with the City's Master Land Use Plan and conditions set forth in Section 2332 of the City of Muskegon Zoning Ordinance with the conditions that 1) The owner/applicant shall permit the zoning administrator or other zoning staff in the premises at reasonable times to review compliance with this permit, 2) The Special Land Use Permit affidavit shall be recorded with the register of deeds, and 3) The Special Use Permit shall be revoked if there are any violations of conditions 1 and 2, was made by J. Doyle, supported by S. Gawron and unanimously approved.

Hearing, Case 2013-07: Staff request to amend Section 2326, Off-Street Parking and Loading, of the Zoning Ordinance to reduce the off-street parking requirements for existing buildings. M. Franzak presented the staff report. The Downtown Parking Overlay District allows for reduced parking requirements for businesses located within its boundaries, due to the availability of on-street parking and public parking lots. Many of the businesses that are located in older downtown buildings have grandfathered parking rights and do not have to account for today's parking standards unless there is a change of use (i.e. office to retail). However, it would be impossible for some buildings to change use and account for additional parking requirements, because the buildings are located on parcels that do not have room for additional parking. The ordinance allows for businesses to get a shared parking agreement with another parcel with extra parking spaces, as long as it is within 1,000 feet of the new business. However, this approach is often pointless, because shared parking agreements are often obtained with parking spaces that are not realistically going to be used by the new business. Also, with the continued development of downtown, parcels with extra parking spaces are becoming more rare. The zoning ordinance was amended in 2010 to include part 12.D, which states "In the downtown parking overlay district only, new businesses that are required to provide 15 parking spaces or less may forgo the parking requirements if they are locating into a previously existing building. On-street parking and city-owned parking lots will be used to accommodate the parking requirements. However, any previously existing parking spaces included with the building space must remain in place and be used by that business." This addition has worked well, as it has allowed numerous retail businesses to locate downtown without the need to find a shared parking agreement. Also, staff has not heard of any complaints from the surrounding neighborhoods as a result of this amendment. Staff feels that it would be beneficial to allow all businesses to follow this guideline, rather than just the smaller businesses. New buildings would still be required to provide for their parking requirements.

L. Spataro and M. Franzak discussed parking ordinance requirements. M. Franzak stated that the City was in the process of updating the zoning ordinance, and staff would be looking at the entire parking ordinance as part of that update. L. Spataro verified that new construction or significant building additions would not be included in this amendment. M. Franzak stated that was correct.

A motion to close the public hearing was made by B. Mazade, supported by L. Spataro and unanimously approved.

A motion that the proposed amendment to Section 2326, Off-Street Parking and Loading, of the City of Muskegon Zoning Ordinance be recommended to the City Commission for approval, was made by L. Spataro, supported by B. Smith and unanimously approved.

Case 2013-02 (tabled): Request for a Special Use Permit (SUP) to operate an auto sales dealership in a B-4, General Business District at 1308 S. Getty Street, by Juan Urbina. M. Franzak presented the staff report. This case was tabled from the February meeting to give the owner time to clean up the property before Planning Commissioners made a final decision on the SUP request. The property received a SUP in the past, but it had been revoked due to non-compliance with permit conditions. The owner has applied for another permit so that he may once again operate a car dealership. The site plan submitted was the same one that was approved in 2007. The only concern of staff is that the parking near the corner of Evanston Avenue and Getty Street should be eliminated. There should be at least 25 feet of clear vision at the corner. The car lot would be located at 1308 S. Getty Street and the office would be located next door at 1272 S. Getty Street. Notices were sent to properties within 300 feet of this property at the February meeting. Public comments were heard at that meeting, and the public hearing was closed.

M. Franzak distributed to board members pictures of the property taken earlier in the day. He stated that it looked better, but that there were still some issues. B. Mazade stated that he was still very concerned about how the property would look, especially considering the history of non-compliance with the previous SUP. L. Spataro shared those concerns and stated that he had gone by the site earlier in the week and hadn't noticed any significant work done. M. Franzak stated that he had since spoken to the applicant about the lack of improvement, and additional clean-up was done after that. T. Michalski asked why the address on the business's door was different from the address in this case. M. Franzak stated that the car lot would be on a separate lot than the business office. J. Urbina stated that he had been working with City staff to get the property cleaned up. The barrels seen outside were used for storing used oil, which they had scheduled to be picked up. He stated that the fence damage was done over the winter, and they planned to repair it as soon as the weather improved. L. Mikesell asked if the building was used for auto sales only, or for repairs also. J. Urbina stated that the building was used for auto sales only. T. Michalski asked if the oil changes were allowed on the car lot. M. Franzak stated that they were. L. Spataro asked what the timeline was for completion of the fence and building repairs, if the request was approved. J. Urbina estimated that they could have it done within a month, if the weather cooperated. S. Gawron stated that he was concerned with the history of non-compliance with the previous SUP, and the fact that more clean-up wasn't done on the property until the last minute, when the Planning Commission had made it very clear that clean-up was a must. B. Smith asked if the applicant was the owner of the property when the last SUP was issued. M. Franzak stated that he was. J. Urbina stated that the property had been under his brother's management then, as he had been indisposed for a period of time.

A motion that the request for Special Land Use Permit, per section 1301 (#1) of Article XIII of the Zoning Ordinance, to allow the sale of used cars in a B-4 zoning district at 1308 S. Getty Street, by Juan Urbina of JV Autos be approved, based on compliance with the City's Master Land Use Plan and conditions set forth in Section 2332 of the City of Muskegon Zoning Ordinance, with the following conditions: 1) Autos displayed for sale are to be located on the property at 1308 S. Getty Street only, and not on the owner's adjacent property at 1272 S. Getty; 2) There will be no outdoor vehicle repairs or storage of junk cars, old tires or car parts; 3) The owner/applicant shall permit the Zoning Administrator or other zoning staff in the premises at reasonable times to review compliance with this permit; 4) The Special Land Use Permit affidavit shall be recorded with the Register of Deeds; 5) Repairs to the fence and painting of the building shall be completed with 90 days of the issuance of the Special Use Permit; and 6) The Special Use Permit shall be revoked if there are any violations of conditions 1 through 5, was made by L. Spataro and supported by L. Mikesell.

J. Doyle asked what would happen if the conditions of approval were not met. B. Mazade stated that the revocation of the SUP would not be automatic, it would require Planning Commission approval.

A vote was taken on the above motion and was approved, with B. Mazade and S. Gawron voting nay.

NEW BUSINESS

None

OLD BUSINESS

Case 2013-03: Request for preliminary Planned Unit Development (PUD) approval for a neighborhood community center and residential development in an R-1, Single Family Residential District at 2330 Barclay Street, by Daniel Morse of the Muskegon Family Life Center. M. Franzak stated that D. Morse had submitted a letter rescinding the above request for a PUD. He is still interested in pursuing commercial activity at the site and plans to present a revised proposal at some point.

OTHER

Zoning Ordinance – M. Franzak stated that work on a Request for Proposals (RFP) to update the City's Zoning Ordinance was progressing.

There being no further business, the meeting was adjourned at 4:37 p.m.